

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David Pratt Remsen

Examiner: Wong, L.

Serial No.: 10/087,621

Group Art Unit: 2164

Filed: March 1, 2002

Confirmation No: 7946

Attorney Docket No.: 24443-501 UTIL

Title: **MANAGING TAXONOMIC INFORMATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATON**  
**CONCERNING FILING OF AN INFORMATION DISCLOSURE STATEMENT**

Examiner Wong:

The above-referenced patent application was filed on March 1, 2002. A Final Office Action was mailed on January 22, 2009. Applicants filed a Request for Continued Examination on June 22, 2009. A Supplemental Information Disclosure Statement (“IDS”) was filed on July 1, 2009. Copies of the filed IDS and filing documents are enclosed herewith as **Exhibit A**. The July 1, 2009 IDS was submitted using Express Mail (Express Mail Label no. EM266572905US). Along with the July 1, 2009 IDS, Applicants submitted a listing of references A1-A6, as follows:

<b><u>U.S. PATENT DOCUMENTS</u></b>							
<b>Exam Initials</b>	<b>Cite No.</b>	<b>U.S. Patent Document No.</b>	<b>Issue Date</b>	<b>Name of Patentee(s) or Applicant(s)</b>	<b>Class</b>	<b>Sub Class</b>	<b>Filing Date</b>
	A1	6,675,159	01/2004	Lin et al.	707	3	
	A2	6,442,545	08/2002	Feldman et al.	707	6	
	A3	2007/0198536	08/2007	Coutts et al.	707	10	
	A4	2004/0103090	5/2004	Dogi et al.	707	3	
	A5	2002/0194154	12/2002	Levy et al.	707	1	
	A6	2002/0120618	08/2002	Ushijima et al.	707	3	

The Examiner and Applicants' undersigned representative conducted an interview on August 18, 2009, during which various claim amendments were discussed and the Examiner was authorized to amend claims via the Examiner's amendment. On August 28, 2009, the Examiner

mailed a Notice of Allowance allowing claims in the present application. However, the Examiner did not include an Examiner-initialed form PTO-1449 from the July 1, 2009 IDS.

Upon review of the PAIR system at the U.S. Patent and Trademark Office ("USPTO") and a telephone discussion with the Examiner on November 25, 2009, Applicants' undersigned representative discovered that the July 1, 2009 IDS was never entered by the USPTO into the PAIR system.

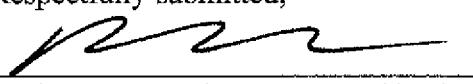
Applicants respectfully submit that the July 1, 2009 IDS was timely mailed and received by the USPTO on July 6, 2009. **Exhibit B** is a copy of the stamped Express Mail Label No. EM266572905US, which indicates that the July 1, 2009 IDS was deposited with the U.S. Postal Service on July 1, 2009. Further, **Exhibit C** is copy of the proof of delivery of the July 1, 2009 IDS to the USPTO. The proof of delivery indicates that on July 6, 2009 at 7:09 AM, Applicants' July 1, 2009 was delivered to the USPTO and the USPTO accepted its delivery, as indicated by the signature of Mary Boston and a stamp "P&T Office, P.O. Box 1450, Alexandria, VA 22313"). The proof of delivery was obtained from the U.S. Postal Service's website ([www.usps.com](http://www.usps.com)).

As such, Applicants' July 1, 2009 IDS was timely filed and should have been considered by the Examiner prior to issuance of the Notice of Allowance. Thus, Applicants respectfully request that the Examiner initial the submitted form PTO-1449 and return it to Applicants' undersigned representative.

Should the Examiner have any questions or need further clarification, the Examiner is invited to contact Applicants' undersigned representative at 212-692-6858. Applicants believe that no fees are due in connection with this submission, however, the Commissioner is authorized to charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 24443-501 UTIL.

Respectfully submitted,

Dated: November 25, 2009

  
Boris A. Matvenko, Reg. No. 48,165  
Attorney/Agent for Applicants  
c/o MINTZ, LEVIN  
666 Third Avenue-24<sup>th</sup> Floor  
New York, New York 10017  
Telephone: (212) 935-3000  
Telefax: (212) 983-3115

# **EXHIBIT A**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David Pratt Remsen      Examiner: Wong, L.  
Serial No.: 10/087,621      Group Art Unit: 2164  
Filed: March 1, 2002      Confirmation No: 7946  
Attorney Docket No.: 24443-501 UTIL

Title: **MANAGING TAXONOMIC INFORMATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

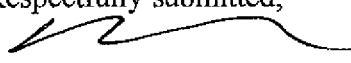
Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages);
2. PTO Form 1449 in duplicate (1 pages);
3. Return Postcard

Although Applicants believe that no additional fees are due in connection with this submission, the Director is authorized to charge any deficiencies due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 24443-501 UTIL Customer No. 35437.

Dated: July 1, 2009

Respectfully submitted,

  
Boris A. Matvenko, Reg. No. 48,165  
Attorney/Agent for Applicants  
c/o MINTZ, LEVIN  
666 Third Avenue-24<sup>th</sup> Floor  
New York, New York 10017  
Telephone: (212) 935-3000  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: David Pratt Remsen      Examiner: Wong, L.  
Serial No.: 10/087,621      Group Art Unit: 2164  
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Attorney Docket No.: 24443-501 UTIL  
Title: **MANAGING TAXONOMIC INFORMATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the enclosed Modified Form 1449/PTO (submitted in duplicate) in the above-identified application. This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination (“RCE”). Accordingly, no fee or certification is required. 37 C.F.R. § 1.97(b)(4).

The cited references are listed on the attached Form PTO-1449 (submitted in duplicate). Under 37 CFR § 1.98(a)(2), a copy of the above document is enclosed with the Information Disclosure Statement and Form PTO-1449.

By submitting this Information Disclosure Statement, Applicants make no representation that: (1) more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

It is respectfully requested that this reference be: (1) fully considered by the Patent Office during prosecution of this application; and (2) printed on the face of any patent which may issue on this application. Applicants request that a copy of Form PTO-1449, as considered and initialed by the Examiner, be returned with the next communication to Applicants.

If for any reason the Examiner decides not to allow this application based on this submission, Applicants' undersigned representative respectfully requests a telephonic interview with the Examiner before the issuance of the next Office Action.

An early and favorable action is hereby requested. Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 24443-501 UTIL, Customer No. 35437.

Respectfully submitted,



Dated: July 1, 2009

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Boris A. Matvenko, Reg. No. 48,165  
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Chrysler Center  
666 Third Avenue-24<sup>th</sup> Floor  
New York, New York 10017  
Telephone: (212) 935-3000  
Telefax: (212) 983-3115

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1 of 1

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PTO/SB (12-97)  
OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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Modified Form 1449/PTO		Application Number	10/87,621
<p><b>SUPPLEMENTAL DISCLOSURE DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(use as many sheets as necessary)</p>		Filing Date	March 1, 2002
		First Named Inventor	David P. Remsen
		Group Art Unit/Conf. No.	2164/7946
		Examiner Name	Wong, Leslie
		Attorney Docket Number	24443-501-UTIL

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date
	A1	6,675,159	01/2004	Lin et al.	707	3	
	A2	6,442,545	08/2002	Feldman et al.	707	6	
	A3	2007/0198536	08/2007	Coutts et al.	707	10	
	A4	2004/0103090	5/2004	Dogi et al.	707	3	
	A5	2002/0194154	12/2002	Levy et al.	707	1	
	A6	2002/0120618	08/2002	Ushijima et al.	707	3	

FOREIGN PATENT DOCUMENTS					
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No

NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



E 266572905 US

**Mailing Label**  
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Time Accepted	COD Fee	Insurance Fee
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<input type="checkbox"/> WAIVER OF SIGNATURE (Check this box only if Addressee is merchant or agent of sender and waives signature as requested by sender. Delivery is made to merchant or agent at address listed and delivery is made to merchant or agent by delivery employee. Merchant or agent authorizes delivery employee to sign for delivery.) <input type="checkbox"/> NO DELIVERY (Check this box if delivery is refused)		
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**NEW YORK NY 10017-4040**  
 BAM:lm 24443-501 UTIL

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48/ 500

F:02 T:

Serial No. 10/087,621 File No. 211-13-501411 By: 3PM1M  
Title: Managing Taxonomic Information  
Application of David P. Rasmussen Date 3/1/09

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

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|--------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| <input type="checkbox"/> Req. for CPA under 37 CFR 1.53(d)               | <input type="checkbox"/> Provisional Application Cover Sheet                |
| <input type="checkbox"/> Change of Attorney's Address                    | <input checked="" type="checkbox"/> Inf. Disc. Statement, PTO Form 1449     |
| <input type="checkbox"/> New Power of Attorney                           | <input type="checkbox"/> Reference Cited                                    |
| <input type="checkbox"/> Patent Application                              | <input type="checkbox"/> Copy of Notice to File Missing Parts               |
| <input type="checkbox"/> Non-provisional                                 | <input type="checkbox"/> Amendment/Response                                 |
| Incl. _____ pages, (    ) pgs) Specification,                            | <input type="checkbox"/> Petition for Ext. of Time (x2)                     |
| (    ) pgs) Abstract, (    ) pgs) Claims (    # claims)                  | <input type="checkbox"/> Issue Fee Transmittal                              |
| <input type="checkbox"/> Design Patent Application                       | <input type="checkbox"/> Letter to Official Draftsperson                    |
| <input type="checkbox"/> Declaration(s)                                  | <input type="checkbox"/> Notice of Appeal                                   |
| <input type="checkbox"/> Drawings _____ sheet(s) (FIGS. _____ - _____)   | <input type="checkbox"/> Brief (x3)                                         |
| <input type="checkbox"/> Formal                                          | <input type="checkbox"/> Check for \$ _____ Check # _____                   |
| <input type="checkbox"/> Verified Statement claiming small entity status | <input checked="" type="checkbox"/> Transmittal Letter (x2)                 |
| <input type="checkbox"/> Assignment and Cover Sheet                      | <input type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)               |
| <input type="checkbox"/> Other _____                                     | <input checked="" type="checkbox"/> Express Mail Label No. <u>264522505</u> |

DATE MAILED 7/1/09

## EXHIBIT B



# **EXHIBIT C**

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### Search Results

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- \* Arrival at Pick-Up-Point, July 02, 2009, 11:36 am, ALEXANDRIA, VA 22313
- \* Arrival at Unit, July 02, 2009, 11:29 am, DULLES, VA 20102
- \* Processed through Sort Facility, July 02, 2009, 11:22 am, DULLES, VA 20101
- \* Processed through Sort Facility, July 02, 2009, 10:06 am, MERRIFIELD, VA 22081
- \* Processed through Sort Facility, July 01, 2009, 10:23 pm, NEW YORK, NY 10199
- \* Acceptance, July 01, 2009, 8:52 pm, NEW YORK, NY 10017

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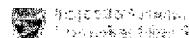
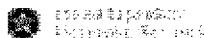
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**Matvenko, Boris**

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**From:** U.S.\_Postal\_Service\_ [U.S.\_Postal\_Service@usps.com]  
**Sent:** Wednesday, November 25, 2009 2:45 PM  
**To:** Matvenko, Boris  
**Subject:** USPS Proof of Delivery Info for EM26 6572 905U S  
**Attachments:** EM266572905US.pdf

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Label Number: EM26 6572 905U S

Service Type: Express Mail(R)

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Attachment: Proof of Delivery letter (PDF)

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Results provided by the U.S. Postal Service.



Date: 11/25/2009

Boris Matvenko:

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Signature of Recipient:

Delivery Section  
Mary Boston  
MARY Boston P & T OFFICE  
P.O. BOX

Address of Recipient:

P.O. BOX 1450  
Alexandria, VA 22313

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Sincerely,

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